

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GEORGE SMITH,

Plaintiff,

Civil Action No.: 2:22-cv-1150

vs.

TEAM NUTZ LLC,

Defendants.

NOTICE OF REMOVAL

Defendant Team Nutz, LLC files this Notice of Removal of Case No. GD-20-8351 in the Court of Common Pleas of Allegheny County, Pennsylvania to the United States District Court for the Western District of Pennsylvania under 28 U.S.C. §§ 1331, 1441, and 1446, averring as follows:

1. Defendant is filing this Notice of Removal of a state court complaint which alleges employment discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 *et seq.*, (“Title VII”) and the Pennsylvania Human Relations Act, 43 P.S. § 954 (“PHRA”).

The State Court Action

2. Plaintiff George Smith (“Mr. Smith”) filed a Praecipe for Writ of Summons in the Allegheny Court of Common Pleas on August 5, 2020.

3. The Writ of Summons was served upon Defendant on or about December 22, 2020.

4. Mr. Smith filed a Complaint on July 20, 2022, alleging employment discrimination in violation of Title VII and the PHRA.

5. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders filed in the state court action are filed with this Notice, attached as Exhibit A.

Grounds for Removal

6. This Court has jurisdiction over all claims in this case pursuant to 28 U.S.C. §§ 1331, 1367(a), and 1441(a).

7. A defendant may remove “any civil action brought in a State court of which the district courts of the United States have original jurisdiction . . . to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

8. The United States District Court for the Western District of Pennsylvania, Pittsburgh Division is the appropriate Federal District Court for removal purposes because the action is currently filed in the Court of Common Pleas of Allegheny County, which is within the Western District of Pennsylvania, Pittsburgh Division. *See* 28 U.S.C. §§ 1441(a), 1446(a).

9. Pursuant to 28 U.S.C. § 1331, “district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

10. Count I of Mr. Smith’s Complaint arises under Title VII, a federal statute, so this Court has federal question jurisdiction.

11. This Court also has exercise supplemental jurisdiction over Count II, the PHRA claim, because it arises under the “same case or controversy” as the Title VII claim. 28 U.S.C. § 1367(a).

Procedural Requirements

12. Although this action was initiated by a Writ of Summons in 2020, this Notice of Removal is timely because the Complaint was not served upon Defendant until July 20, 2022, thus triggering the 30-day time limit for removal. 28 U.S.C. § 1446(b)(1); *Sikirica v. Nationwide Ins. Co.*, 416 F.3d 214, 223 (3d Cir. 2005).

13. Defendant is serving Mr. Smith with a copy of this Notice of Removal.

14. Pursuant to 28 U.S.C. § 1446(d), a written Notice of Filing of this Notice of Removal will be filed in the Court of Common Pleas of Allegheny County, Pennsylvania, at Case No. GD-20-8351, and served upon Mr. Smith promptly after removal. A copy is attached as Exhibit B.

WHEREFORE, Defendant Team Nutz, LLC respectfully requests that this action be removed to the United States District Court for the Western District of Pennsylvania.

Dated: August 08, 2022

Respectfully submitted,

TUCKER ARENSBERG, P.C.

/s/Scott R. Leah

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